THE HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION No.26408 of 2006

20.12.2006

Between:

C. Veerabhadra Rao and others.

..Petitioners

And

Government of Andhra Pradesh represented by Principal Secretary Revenue, Secretariat, Hyderabad. and another.

..Respondents

THE HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION No.26408 of 2006

ORDER:

The petitioners statedly are the owners and possessors of an extent of land admeasuring 1790 square yards in survey No.77/10-A4 situated at Vepagunta Village, Pendurthi Mandal in Visakhapatnam District, which was allegedly purchased from its original owner, Chadaram Appala Naidu, under a registered sale deed, dated 07.09.1970. Due to financial problems, the petitioners wanted to sell the said land and entered into an agreement of sale. They also received part of sale consideration and approached the second respondent for registration of the said document. The second respondent refused to receive the same for registration, on the ground that there is a ban imposed by the Government to register the documents pertaining to the subject land. Aggrieved by the same, the present Writ Petition is filed.

Heard the learned Counsel for the petitioners and the learned Assistant Government Pleader for Revenue (General). It is no doubt true that when a document is presented, it is incumbent on the part of the Registering Officer to examine the same with reference to Sections 31 to 36 of the Registration Act, 1908 (the Act, for brevity) and/or Rules 26 and 58 of the Andhra Pradesh Rules under the Act. This aspect of the matter was considered by my learned brother Hon'ble Sri Justice A.Gopal Reddy in W.P.No.15199 of 2004, dated 01.09.2004.

Following the above, this Writ Petition is disposed of directing the second respondent or any other Registering Officer to accept the document presented by the petitioners and consider for registration. Be it noted, if for any reason, the document presented is not registered, it is incumbent on the part of the Registering Officer to record and furnish reasons under Section 71 of the Act. Even thereafter, if the petitioners have any grievance, they may file appeal before the Appellate Authority under Section 72 of the Act. Thereafter, if any adverse order is passed by the Appellate Authority, the petitioners can file a suit under Section 77 of the Act. Be it also noted that in case the Government claims the land as belonging to them, it shall be open to them to avail appropriate remedy either before the Special Court/Special Tribunal under the Andhra Pradesh Land Grabbing (Prohibition) Act, 1982 or by filing a declaration suit or by taking necessary action under Andhra Pradesh Land Encroachment Act, 1905. No costs.

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(V.V.S.RAO, J)

20.12.2006

GJ